

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 99267202 MODIFICATION NUMBER: 0 PROGRAM CODE: BG	DATE OF AWARD 09/27/2005	
			TYPE OF ACTION Continuation		MAILING DATE 10/04/2005
			PAYMENT METHOD: Advance		ACH#
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Financial Management Branch		
RECIPIENT: Saint Regis Mohawk Tribe 412 State Route 37 Akwesasne, NY 13655 EIN: 16-1007650			PAYEE: Saint Regis Mohawk Tribe 412 State Route 37 Akwesasne, NY 13655		
PROJECT MANAGER Ken Kock 412 State Route 37 Akwesasne, NY 13655 E-Mail: Phone: 518-358-2272		EPA PROJECT OFFICER Christine Yost 290 Broadway New York, NY 10007-1866 E-Mail: Yost.Christine@epa.gov Phone: 212-637-3564		EPA GRANT SPECIALIST Cynthia Pabon Grants and Contracts Mngt. Branch, OPM/GCMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND DESCRIPTION Performance Partnership Grant (FYs 06-10) This Performance Partnership Grant (PPG) is to provide for the operation of continuing environmental programs while giving the St. Regis Mohawk Tribe (SRMT) greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings and strengthen the partnership between SRMT and EPA. This agreement funds SRMT programs to protect and improve air quality, water quality, nonpoint source, and drinking water; and support pollution prevention, wetlands, and general assistance environmental program capacity building activities.					
BUDGET PERIOD 01/01/2006 - 01/31/2010		PROJECT PERIOD 01/01/2006 - 01/31/2010		TOTAL BUDGET PERIOD COST \$5,333,153.00	
				TOTAL PROJECT PERIOD COST \$5,333,153.00	
NOTICE OF AWARD					
Based on your Application dated 06/06/2005 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$447,223. EPA agrees to cost-share <u>94.20%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$447,223. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2 Division of Environmental Planning and Protection 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 09/27/2005	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 447,223	\$ 447,223
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 309,502	\$ 309,502
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 756,725	\$ 756,725

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	HE0581	2005	E1	02TB	101A17E	41.08			97,385
-		2005	E1	02TB	503B15E	41.08			129,482
-		2005	E1	02TB	403B07E	41.08			47,671
-		2005	E1	02TB	202B02E	41.08			30,009
-		2005	E1	02TB	202B01E	41.08			13,650
-		2005	E1	02TB	502C13E	41.08			14,469
-		2005	E1	02TB	202B06E	41.08			64,333
-		2005	E1	02TB	201B03E	41.08			25,402
-		2005	E1C	02TB	101A17E	41.08			5,723
-		2005	E1C	02TB	503B15E	41.08			7,609
-		2005	E1C	02TB	403B07E	41.08			2,801
-		2005	E1C	02TB	202B02E	41.08			1,763
-		2005	E1C	02TB	202B01E	41.08			802
-		2005	E1C	02TB	502C13E	41.08			851
-		2005	E1C	02TB	202B06E	41.08			3,780
-		2005	E1C	02TB	201B03E	41.08			1,493
									447,223

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$2,355,322
2. Fringe Benefits	\$908,794
3. Travel	\$276,525
4. Equipment	\$208,347
5. Supplies	\$401,939
6. Contractual	\$438,110
7. Construction	\$0
8. Other	\$317,376
9. Total Direct Charges	\$4,906,413
10. Indirect Costs: % Base	\$426,740
11. Total (Share: Recipient <u>5.80</u> % Federal <u>94.20</u> %.)	\$5,333,153
12. Total Approved Assistance Amount	\$447,223
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. Of the \$5,023,651 approved for this agreement, \$447,223 has been obligated. The agreement will be increased when additional funds become available.	\$
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

1. FINANCIAL REQUIREMENTS

Under the Automated Standard Application for Payments (ASAP), the recipient initiates an electronic or voice-activated telephone payment request which is approved or rejected based on the amount of available funds authorized by EPA in the recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application.

The recipient agrees to the following conditions in accepting this assistance agreement:

- (a) Cash draw down will be made only as actually needed for its disbursement;
- (b) The recipient will provide timely reporting of cash disbursements and balances as required;
- (c) The recipient will impose the same standards of timing and reporting on secondary recipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the undisbursed portions of the assistance agreement to be revoked and financing method Changed to a reimbursable basis.

2. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT

A) Interim Financial Status Reports (FSR)

An Interim Financial Status Report (FSR) is to be submitted to the EPA Grants and Contracts Management Branch 90 days after the anniversary of the project period start date. FSRs must be prepared in whole dollar amounts.

B) Final Financial Status Reports

In accordance with 40 CFR 30.52(a)(1)(iv) or 31.41(b)(4) as it applies, the recipient shall submit to the EPA, Region 2, Grants and Contracts Management Branch a "final" Financial Status Report (FSR) within 90 days after the expiration of the project period end date or the date of termination. FSRs must be prepared in whole dollar amounts.

EPA may extend the due date for submission of a final FSR upon a written request from the recipient. The recipient is required to submit an "interim" FSR to the EPA Region 2 Grants and Contracts Management Branch, along with this request.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FSR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Final Request for Payment (Standard Form 270)
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

3. INDIRECT COSTS

Pursuant to OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," Indian tribal government recipients that do not have a previously established indirect cost rate must submit their indirect cost rate proposals to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815-3317

4. LOBBYING AND LITIGATION CERTIFICATE AND RESTRICTIONS

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

The recipient shall abide by OMB Circular A-87, which prohibits the use of federal grant funds for litigation against the United States.

5. DISADVANTAGED BUSINESS ENTERPRISES FOR TRIBAL PART 31 GRANTEES

The recipient agrees to follow the six affirmative steps stated in 40 CFR 31.36(e) and to require its prime contractor to follow these affirmative steps if it awards subcontracts; the recipient also agrees to retain records documenting compliance.

The six affirmative steps contained in 40CFR 31.36(e) are as follows:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in 1 - 5 above

The recipient agrees to submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to Otto Salamon, the Region 2 Small Disadvantaged Business Utilization Officer, Grants and Contracts Management Branch, 290 Broadway, New York, New York 10007 within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30).

6. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Region 2, Grants and Contracts Management Branch prior to the budget/project period expiration dates. An interim FSR must be submitted along with the request which covers all expenditures and obligations to date in whole dollar amounts.

7. SINGLE AUDITS

A recipient who expends more than \$500,000 annually in Federal funds is required to have an independent audit performed in accordance with the Office of Management and Budget (OMB) Circular A-133. The cost of such an audit is an allowable charge to your Federal grant awards on a prorated basis. If you have already met this requirement, please submit 2 copies of the latest independent audit report to the EPA, Grants and Contracts Management Branch within 30 days of the date of this award. If the required audit has not been performed, submit milestone dates for compliance with OMB Circular A-133 within 30 days of the date of this award to the EPA, Grants and Contracts Management Branch.

8. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

9. RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying* . The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

10. RECYCLING AND WASTE PREVENTION

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

Programmatic Conditions

1) EPA's INVOLVEMENT IN THE PPG

EPA's substantial involvement in the SRMT PPG grant is met by holding regular conference calls with SRMT to discuss environmental program capacity building and implementation, and also provide technical assistance and training opportunities. This includes opportunities such as the National Tribal Conference on Environmental Management co-hosted by EPA, and support to the twice a year Indian Nation meetings which feature training, presentations, field trips and discussions. Twice a year joint evaluation meetings are held with SRMT to discuss a wide range of program areas, and include discussion with Regional senior managers.

2) MATCH WAIVER

The recipient's matching share requirement for the 2006 portion of the agreement has been waived based on EPA Region 2's review of the financial information submitted by SRMT. Please be aware that each year's waiver is reviewed on a year-by-year basis. SRMT must submit documentation to EPA to support its claim of financial hardship. Therefore, SRMT's request for waiver of the 2007-2010 required match will be determined based on EPA's review of documentation to be submitted by SRMT which demonstrates its financial condition for each of the remaining years.

3) COMPUTER EQUIPMENT

The recipient shall obtain EPA's Information Systems Branch approval prior to the purchase of computer hardware or software with a unit price of \$5,000 or more. The list of proposed purchased should be submitted to George Nossa at U.S. Environmental Protection Agency, Information Systems Branch, 290 Broadway, New York, NY 10007-1866; telephone number 212-637-3334.

4) PROGRESS REPORTS

The recipient shall participate with Region 2 in semi-annual joint evaluation review meetings, semi-annual performance summaries of these meeting will be written up as reports. Performance reports are due Oct 31 and April 30. Thus the recipient shall meet with the EPA Project Officer semi-annually to discuss progress under the work plan.

In accordance with 40 CFR §35.115, the recipient agrees to include, during the semi-annual meeting discussions under this agreement (of which written summaries will be developed to serve as performance joint evaluation reports), brief information on each of the following areas:

- 1) a comparison of actual accomplishments with projected accomplishments as set forth in the assistance agreement work plan.
- 2) reasons why anticipated outcomes were not met.

3) other pertinent information where applicable.

In accordance with 40 CFR §35.115, the recipient agrees to discuss the following areas during the semi-annual meetings:

- (1) A discussion of accomplishments as measured against work plan commitments; during the semi-annual meetings;
 - (2) A discussion of the cumulative effectiveness of the work performed under all work plan components;
 - (3) A discussion of existing and potential problem areas; and
 - (4) Suggestions for improvement, including, where feasible, schedules for making improvements.
- (c) Resolution of issues.

In accordance with 40 CFR §35.115, the recipient agrees to notify EPA of problems, delays or adverse conditions which impair the recipients ability to meet anticipated work plan accomplishment outcomes.

Resolution of issues. If the joint evaluation reveals that the recipient has not made sufficient progress under the work plan, the Project Officer and the recipient will negotiate a resolution that addresses the issues. If the issues cannot be resolved through negotiation, the Project Officer may take appropriate measures as allowed by law.

5) QUALITY ASSURANCE

Submit QA annual report and updated Management Plan, development of individual QAPP; development of SOPs; and performance of quality assurance inspections. Quality Assurance Management Plan is current (expires Dec 31, 2006). A new QAMP will be developed and signed and agreed to prior to SRMT undertaking QA activities during Calendar Year 2007 under the 2006 - 2010 PPG. As under the previous PPG: QAPPs for on-going projects are updated every year. The SRMT reports on its QA activities annually.

6) WORKPLANS

All 2006 workplans have been approved and SRMT has been notified. As noted in Sept 16, 2005 communication, the PO reconfirmed all workplans approved and documented that SRMT agrees to modified language for the CWA 106 workplan; SRMT has agreed to transmit the revised CWA workplan to the PO, Christine Yost, by week ending Sept 23.

Comments on the Wetlands workplan were sent to the SRMT on July 8, 2005. The SRMT submitted a revised workplan on August 1, 2005; the resultant workplan was reduced in scope as EPA requested to the funding amount that is available to recommend for award under this program to SRMT.

7) COMPETITIVE FUNDING

In its Tribal PPG application and five-year workplan, St. Regis Mohawk Tribe has included grant programs that are subject to future assistance agreement competitions and selection decisions by EPA, in accordance with applicable requirements, including EPA Order No. 5700.5A1, Policy for Competition of Assistance Agreements. This grant agreement does not obligate any funds associated with the St Regis Mohawk Tribe PPG five-year workplan that are subject to future assistance agreement competitions for which St Regis Mohawk Tribe has not yet been selected for award. St Regis Mohawk Tribe understands that if St. Regis Mohawk Tribe applies for a future competitive grant pertaining to a program included in its Tribal PPG workplan and is not selected for a competitive award, the associated funds applied for will not be awarded by EPA, and the subsequent Tribal PPG workplan will be amended accordingly.

8) BUDGET DETAIL

Within 45 days of receipt of this agreement, the grantee shall submit to the EPA PPG PO, budget back-up information in accordance with EPA Reg 2 guidelines previously provided to you to support costs proposed in the application for this agreement. The back-up information, including personnel, equipment, supplies, construction, contractual, travel, and other categories, should be prepared in accordance with established budget detail guidance. Costs incurred cannot be charged to this agreement until the budget back-up is submitted and approved by EPA.